REMARKS

Claims 1-21 and 24 are pending and stand rejected. Claims 22, 23, and 25 (previously erroneously presented as claim 26) have been canceled without prejudice or disclaimer. Applicants thank the Examiner for pointing out the typographical error in claim numbering, which has been corrected in the listing of claims presented above.

Applicants have reviewed the Office action, including the Examiner's remarks and the references cited therein. Applicants submit that the following remarks are fully responsive to the Office action, and that all pending claims are patentable over the cited references. In addition, Applicants are of the opinion that the Examiner would benefit by a demonstration of a working embodiment of the invention, and will contact the Examiner to schedule an interview.

Rejections Under 35 U.S.C. § 101

The Examiner rejects claims 14 and 22 under 35 U.S.C. § 101 as directed to non-statutory subject matter. In particular, the Examiner concludes that claims 14 and 22 fail to provide a useful result. Office action, para. 7. The rejection of claim 22 is moot in view of its cancellation.

As to claim 14, Applicants respectfully disagree with the Examiner's conclusion. Applicants direct the Examiner's attention to the discussion of certain advantages of the invention in paragraphs [0060] through [0066] of the Specification and the further discussion of media dots herein.[1] Applicants submit that this discussion clearly establishes the specific and substantial utility of the present invention in at least the mapping and cartographic fields, as exemplified in Figs. 3a, 3b, 4e, and 5a-5d. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection under section 101.

[1] Paragraph references refer to United States patent application publication no. 2004/0225635, published Nov. 11, 2004.

Rejection Under 35 U.S.C. § 102(e)

The Examiner rejects claims 1-25 under 35 U.S.C. § 102(e) as anticipated by United States patent application publication no. 2004/0073538 to Leishman et al. ("Leishman"). To be anticipatory, a single prior art reference must explicitly or inherently teach each and every element of the claimed invention. MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987)). As to claims 22, 23, and 25, the rejection is moot. As to the remaining claims, Applicants respectfully submit that Leishman fails to meet this standard.

Claims 1, 14, and 24 recite "media dots that are aligned with a grid...wherein said media dots indicate how many media are associated with a grid location on the map." It is well-settled that patentees can be their own lexicographers. MPEP § 2111.01(IV). Applicants have done precisely that with the term "media dot." For example, a "media dot" can be a graphical representation (e.g., a dot, an icon, or another symbol) with a size (e.g., a diameter) that varies as a function of the number of media in a set of media items represented by the media dot. Thus, the size of the media dot "indicate[s] how many media are associated" therewith, providing a scale-adaptive two-dimensional histogram reflecting the contents media database, such as may be retrieved in response to a query.

Media dots, and their use in the present invention, are explained in further detail in the specification. In brief, the present invention applies a grid to a map, which creates a plurality of discrete grid points (e.g., the intersections of horizontal and vertical grid lines) on the map. Specification, para. [0063]. Instead of being displayed according to their absolute, real-world location, geocoded media returned by a query may be associated via projection with particular grid points (i.e., "aligned with a grid"). Id., para. [0078]. Media dots may then be placed at grid points having media associated therewith. The size of the media dot, for example the diameter of the media dot, is varied as a function of the number of media associated with that grid point, such that a grid point with a larger set of associated media has thereon a larger media dot than a grid point with a smaller set of associated media, thereby indicating how many media are associated with a particular grid point. This may be referred to as "a scale-

adaptive 2D histogram" insofar as the map with media dots thereon immediately conveys to the user information about the density or volume of media relative to map or grid location. Id., paras. [0063]-[0065]. This advantageously avoids cluttering or occluding the map with a large number of dots (e.g., an amorphous blob of overlapping discrete dots) when a query returns a large number of results, as only single media dots will occur at grid points. This enhances visual presentation of results and reduces the time and computing overhead required to draw the map.

Leishman, by contrast, teaches a system that displays query results as discrete "dots" (often referred to in the art as "pins") on a map, positioned according to the absolute, real-world location of the search result. Since Leishman does not teach the use of a grid, Leishman's "dots" are not grid-aligned, as they are in the present invention.

Leishman discusses "dots" of differing size. Where multiple dots overlap, Leishman's Boundary-Subset Module (BSM) replaces the overlapping dots with a large dot. Leishman, paragraphs [0038] and [0051]-[0053]. However, Leishman does not teach that the size of the larger dot is in any way related to the number of query results. Rather, Leishman teaches that a small dot indicates a single result, while a large dot indicates multiple (e.g., two or more) overlapping results. That is, unlike the media dots of the present invention, the size of Leishman's dots do not vary with result density, and thus do not convey any indication of "how many media are associated with a grid location on a map." Leishman is, therefore, similar to the method of representing query results shown in Fig. 4b of the present application and described at paragraphs [0006] and [0062] of the Specification—each search result, or group of overlapping search results, is represented by a single dot at a corresponding, non-grid-aligned geographic location on the map, potentially leaving Leishman's map cluttered and occluded by a plurality of amorphously arranged dots.

As should be clear from the foregoing, Leishman does not teach dots that are "aligned with a grid" or that "indicate how many media are associated with a grid location on the map" as recited in claims 1, 14, and 24. Put simply, Leishman's dots are

not "media dots" as that term is defined and used in the present application. Thus, Leishman cannot anticipate claims 1, 14, and 24 of the present invention.

Claims 2-13 depend from claim 1, while claims 15-21 depend from claim 14. The dependent claims are allowable for at least the same reasons as the independent claims from which they depend.

Further, claims 19 and 20 are allowable for independent reasons. Nowhere does Leishman even suggest, much less explicitly teach, varying the diameter of the dot "logarithmically with the number of items it represents" as recited in claim 19. It follows, therefore, that Leishman also cannot teach the particular logarithmic function recited in claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e).

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and request that all rejections be withdrawn, that all pending claims be allowed, and that the application be passed to issue. If, for any reason, the Examiner finds the application to be in other than condition for allowance, the Examiner is invited to contact the undersigned in an effort to resolve any matter still outstanding before issuing another action.

Applicants have provided for a three month extension of time herewith. Authorization is hereby granted to charge any fees due with the filing of this document to Deposit Account No. 50-1129 with reference to Attorney Docket No. 81190-0005.

Respectfully submitted,

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